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SMART & BIGGAR*Intellectual Property & Technology Law*

To Fax no.: (703) 872-9306

Page 1 of: 15

Attention: Examiner Steven Blount
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From: SMART & BIGGAR

Your file no.: 09/739,367

Date: September 3, 2004

Reply to Ottawa file no.: 77682-250

Time:

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| | | | | | |
|--|-------------------------|---------------------------|-----------------------|-------------------------------------|--------------------------|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | Docket No. 77682-250 /slb | |
| Applicant(s): DAVID STEER, ET AL | | | | | |
| Application No. 09/739,367 | Filing Date 12/19/00 | Examiner Steven Blount | Customer No. 07380 | Group Art Unit 2661 | Confirmation No. 3293 |

Invention: **ENHANCED ARQ WITH OFDM MODULATION SYMBOLS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
|--|-------------------------------------|-----------------------------|--------------------------------|---------|-------------------|
| TOTAL CLAIMS | 29 | 29 | 0 x | \$18.00 | \$0.00 |
| INDEP. CLAIMS | 11 | 11 | 0 x | \$86.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 |

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
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- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-2550
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
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Dated: September 3, 2004

James McGraw
Reg. No. 28,168

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/739,367
Applicant : DAVID STEER, ET AL
Filed : December 19, 2000
TC/A.U. : 2661
Examiner : Steven Blount

Confirmation No. 3293

Docket No. : 77682-250
Customer No. : 07380

Commissioner for Patents
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

In response to the Office action dated June 4, 2004, Applicant submits the following remarks:

REMARKS**Rejection of Claims 1, 3 to 5, 7 to 9, 11 to 13, and 15**

In paragraph 2 of the Detailed Action, the Examiner has rejected claims 1, 3 to 5, 7 to 9, 11 to 13, and 15 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,512,758 (Sato *et al.*) in view of United States Patent No. 6,603,826 (Cupo *et al.*) and Applicant's admitted prior art. Given below is a brief description of the present invention and of the Sato *et al.* and Cupo *et al.* references, together with a detailed discussion on how claims 1, 3 to 5, 7 to 9, 11 to 13, and 15 are patentable over the Sato *et al.* reference, the Cupo *et al.* reference, and Applicant's admitted prior art.

The Present Invention

In an embodiment of the invention a method is implemented by a remote unit in a radio communication systems which employs Orthogonal Frequency Division Multiplexing. The

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